

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
October 8, 2002

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, October 8, 2002, in the East Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

YORKTOWN DESIGN

Mr. McReynolds noted that at the work session conducted September 24 the staff presented the options for the continuation of the revitalization effort for Yorktown, and that informational meetings were held for the public on September 26, October 2, and October 3. All comment forms have been distributed to the Board members. Mr. McReynolds briefly summarized the four options that were presented, and indicated that he and staff were present to answer any questions the Board members might have.

Chairman Wiggins asked about the relevance of the archaeological significance of the bluffs property and the need to do an archaeological survey.

Mr. McReynolds indicated the County does not know what has been found as yet, but staff is looking into it.

Mrs. Noll asked if there was a requirement for an archaeological survey when Mr. and Mrs. Mathews built their house.

Mr. Robert S. Kraus, Executive Director for Yorktown Revitalization, stated there was no legal requirement for a private property owner to address the archaeological aspect, and he noted there also was no legal requirement for the County to address it either. He stated the County was pursuing it in order to know what is on the property and make an informed decision on how to address it. He stated the staff expects a final report in the next 2-3 weeks.

Chairman Wiggins suggested that if it was going to take a year to do all the digging and get all the relics removed, there would be no big hurry to develop anything on top of the bluffs at this time.

Mr. Shepperd addressed Option 3-A, stating he agreed that the property would be there when needed; but there was no immediate need to do anything with it at this time.

Mrs. Noll expressed her agreement, stating the archaeological studies could be taking place while the rest of the project is being developed.

Mr. Zaremba noted that the Yorktown Master Plan has been in evolution for many years and was not developed in isolation by this Board of Supervisors.

Mr. Kraus added that the Plan has been reviewed by the general public in many meetings, work sessions, and forums.

Mr. Zaremba asked if the restaurant on the waterfront was a part of the Master Plan.

Mr. Kraus stated it was a part of the original concept and the Master Plan adopted by the Board of Supervisors and the Yorktown Trustees. He also noted that an earlier concept which was approved had two restaurants on the waterfront.

Mr. Burgett noted that during the time the Jamestown-Yorktown Foundation owned the Mathews' property, the Foundation put the property on the market, and they wanted the County to purchase it. The Board told the Foundation that the County wanted the land, but wanted the Foundation to sell the restaurant to someone who wanted to maintain it.

Mr. Zaremba stated that he believed a large reason for the Foundation negotiating with the County was because it knew the Board had the stewardship responsibility of the area, and it couldn't think of a better entity to preserve the heritage and history of what Yorktown is all about.

Mr. Burgett also noted that the Foundation was very indebted to the Mathews' for willing it this property, although it put no stipulations on the sale that the County had to memorialize them in any further way.

Mrs. Noll expressed her agreement, stating one of the other things the Board needed to take into consideration was that the money the County paid for the land went back into the Foundation to be further used for projects that Mrs. Mathews was interested in at the Victory Center.

Mr. Zaremba noted he had waited until tonight to make his decision concerning the waterfront area because he wanted to make sure he had heard from everyone who wished to speak on the subject first, and everyone has had that opportunity. He stated that if the decision concerning the restaurant was to be made on economics alone, there would be no need for discussion; a new facility would have to be built. The Board has heard impassioned pleas from citizens about the legacy left by Nick and Mary Mathews and how it is tied to the restaurant. Mr. Zaremba stated that what was driving his decision was his belief about what Mrs. Mathews herself had to say about the future of Yorktown. In 1989 she was quoted in a Virginia Gazette article as to her feelings about what the Board of Supervisors was now trying to do in Yorktown. In the article Mrs. Mathews envisioned a waterfront with a large hotel, a series of restaurants, shops, and professional buildings, and she wanted to develop it herself. He stated he did not think she would have been at all adverse to what the Board was planning for the waterfront. Mr. Zaremba noted he had never heard Mrs. Mathews say anything to infer that the County's plans were inconsistent with her vision for Yorktown. He stated he believed she would have supported Option 3 to move the restaurant to the waterfront.

Mrs. Noll expressed her agreement with Mr. Zaremba. She noted that the Jamestown/Yorktown Educational Trust did not want to be in the restaurant business, and

Mrs. Mathews had indicated to the Trust at some time that she wanted to build a restaurant on the waterfront. The Master Plan for Yorktown is a vision that many people had for the revitalization of Yorktown, and the Board is just articulating what so many others want to see done. Mrs. Noll stated her choice of alternatives was Option 3 also. She asked the Board to consider building a 3-tier parking deck right way because of the future cost involved of adding to one. If not, she asked that the Board consider building one in such a way so that it could be added to at a later date.

Mr. Burgett noted there have been a lot of people on both sides of this issue. It was a problem for the Jamestown-Yorktown Foundation. He stated he felt the Board needed to make it right and stop putting band aids on it. He spoke of the two Focus on Yorktown sessions held, stating at the time they were held he had no idea as to what the future would bring with Mrs. Mathews leaving the property to the Foundation. He also spoke of the contributions of other Yorktown residents who were as worthy of mention. He asked that the Board and the citizens not be so focused on the restaurant issue. Mr. Burgett stated he also favored Option 3.

Mr. Shepperd stated the plans have been looked at very hard, more than any issue that has gone before the Board in a long time. A great deal of effort has been expended on the waterfront project, and Mr. Shepperd indicated he was very excited about the revitalization of Yorktown. He noted he has always been concerned about the amount of investment but that the County will get its tax dollars back in an expanded tourist/commercial base. In regard to Nick's Restaurant, he stated it was a part of the town's history, but it doesn't fit into the design for what the Board is trying to do for the total picture. He stated he could not justify spending \$2.6 million trying to preserve the building, and his constituents have made that same point very clear to him. Mr. Shepperd stated the Mathews' spirit and love of community is not in the building, but in the fact that they donated the property to the public. He indicated he felt the Board needed to move on this project as quickly as possible, and he also expressed his agreement with Option 3.

Chairman Wiggins stated he has looked at the options from every angle, and he has heard a lot of what people think Mrs. Mathews would not be happy with in terms of the County's plans for the waterfront. He stated he felt Mrs. Mathews would be very happy with the plans for the waterfront, and he agreed that Option 3 was the best choice.

Mr. Zaremba then moved that the Board adopt Option 3 as the preferred plan for the revitalization of the Yorktown Waterfront and direct staff to proceed with its implementation.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

A brief discussion then took place concerning the timeframe for completion of the project and the steps to be taken for implementation.

LEGISLATIVE PROGRAM FOR 2003

Mr. McReynolds indicated that a request not in the package before the Board was a request from the region's jurisdictions to the HRPDC to support a \$250,000 request for support of efforts to interact with Congress on the Base Realignment and Closure Commission (BRAC) effort. He noted if the Board was in support of this, the program could be amended to include the re-

quest. Mr. McReynolds stated the request was of vital importance to the area, and the funding would be a good investment.

Mrs. Noll spoke of the need for the support, stating to lose any of the area's military facilities would be a big hit to the area economically. She explained that the funds were used to pay for a firm that works to determine the specific areas targeted for closure prior to the list being published.

Mr. Barnett explained that once a base makes the list, it is impossible to get access to any of the information up front. He indicated he would be attending a meeting as the County's representative on the BRAC on October 21, and he would report back to the Board.

Mr. Shepperd stated that with his experience in the Pentagon he knows the battle is won in Congress. The best rationale in the world for maintaining a base can be developed, and it is still closed. He stated if the region needs to make a unified front for a fight because what the region has is a good thing, then he was all for it; but he expressed his concern about the amount of money involved. He asked why \$250,000 was a good deal for York County.

Mrs. Noll explained the \$250,000 was a buy-in to support the community.

Chairman Wiggins stated that \$250,000 is a small amount of money to ask for if it will save one of our bases or posts.

Mr. McReynolds suggested that the Board agree to the Legislative Program as presented with this item included for consideration at this time. After further consideration, if the Board chooses not to include it, it can be deleted from the formal action to take place next week at the Regular Meeting.

Discussion followed on the Legislative Program's priorities.

Mr. McReynolds noted that earlier in the day he had also received a request from Isle of Wight County requesting support of a resolution to allow a local cigarette tax.

Mr. Barnett then briefly reviewed each of the recommendations, and the Board agreed to support the following requests in its 2003 Legislative Program:

Impact of State Budget Crisis—no new programs or services are being requested by the County. The County urges continued support for local efforts to monitor the upcoming activities of the 2005 Base Realignment and Closure Commission (BRAC).

Restore Virginia Juvenile Community Crime Control Act (VJCCCA) Funding at the earliest opportunity as the Commonwealth's fiscal picture brightens.

Support the adoption of HB 351 to amend the Code of Virginia to allow the establishment of ten additional Enterprise Zones in Virginia.

Increase the amount of the retiree health insurance credit for local and School board employees.

Authorize a demonstration Traffic Signal Photo-Monitoring System

Request funding to support Hampton Roads Planning District Commission review of data to be provided to the 2005 Base Realignment and Closure Commission.

Amend the Code of Virginia to enable York County to regulate parking within its own borders.

Amend the Code of Virginia to allow Planning Commissions and Boards of Zoning Appeals to establish alternate meeting dates in the event of a meeting cancellation due to a weather or other emergency.

Amend the Code of Virginia to authorize Circuit Court Clerks to require local government review and approval of all plats prior to recordation to ensure compliance with Subdivision Ordinances and recording statutes.

Adopt enabling legislation to authorize counties to impose local taxes on cigarettes.

Mrs. Anne B. Smith, Director of Community Services, then briefed the Board members on staff's efforts to strengthen the impact of the County's legislative program. On a regional basis all of the jurisdictions, with the exception of Poquoson, will develop some cable coverage of the sessions while the General Assembly is in session. Meetings have been held with the other jurisdictions, their cable managers, and the legislative liaison for Newport News has developed a plan that is very cost effective. A studio will be rented for the development of eight ½-hour shows that will be structured on topics and interviews with members of the legislative delegation and members of local governing bodies. She noted the cost for each locality for this production will be approximately \$4,000-\$6,000 which includes the cost for a professional host to conduct the interviews. Mrs. Smith then spoke concerning the scheduling of the Board's annual Legislative Breakfast and asked the Board to select one of the following dates: October 21, October 22, November 7, or November 8. She indicated the breakfast meeting would be held at York Hall in the Gallery and catered by the Regional Jail.

By consensus the Board agreed to schedule the Legislative Breakfast for 7:30 a.m., Monday, October 21, 2002.

Mr. McReynolds stated staff would be finalizing the legislative program based on the Board's discussions and would be forwarded to the Board members by the end of the week for the Board's action at its October 15 Regular Meeting.

Mr. Zaremba reminded the Board that each year it expends a great deal of energy putting together and agreeing on the contents of the County's Legislative Program, but it never receives any critique from the legislators who represent the County. He requested that the legislators be asked to provide the Board members with a critique on why the County's requests didn't past muster and give the Board some idea as to how to make the process better and more productive.

CLOSED MEETING. At 8:00 p.m. Mr. Zaremba moved that the Board convene in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to a personnel matter dealing with the performance of a public official; and Section 2.2-3711(a)(3) pertaining to the acquisition of property for a public purpose.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Meeting Reconvened. At 9:47 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 8th day of October, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

Meeting Adjourned. At 9:50 p.m. Mrs. Noll moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors